

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 23, 2010

No. 09-60956
c/w No. 09-60957
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CLAUDE CHRISTOPHER JOHNSON,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Mississippi
USDC No. 2:03-CR-29-1
USDC No. 2:98-CR-18-1

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing his sentences following the revocation of supervised release, Claude Christopher Johnson presents arguments that he concedes are foreclosed by *United States v. Brown*, 920 F.2d 1212, 1216-17 (5th Cir. 1991), abrogated on other grounds by *United States v. Candia*, 454 F.3d 468, 472-73 (5th Cir. 2006),

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

which held that a district court may order a term of imprisonment to run consecutively with an unimposed state sentence.

To the extent that Johnson argues that the district court erred in ordering that his revocation sentences run consecutively with a federal sentence imposed in any prosecution relating to the criminal conduct in the matter, any such error was rendered harmless or moot. Johnson's subsequently imposed 120-month sentence following his guilty plea to theft of firearms from a licensed firearm dealer was ordered to run concurrently with his revocation sentences. See *United States v. Ahmed*, 324 F.3d 368, 374 (5th Cir. 2003); *Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990); *United States v. Quintana-Gomez*, 521 F.3d 495, 497-98 (5th Cir. 2008). The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED. The Government's alternative motion for an extension of time is DENIED.